

SENATE BILL 1266

L2, C2

8lr4092
CF HB 1737

By: **Senator Middleton**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 14, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Cigarette Retailers – County License Fee**

3 FOR the purpose of increasing the fee for a county license to sell cigarettes at retail in
4 Charles County; requiring the Clerk of the Circuit Court for Charles County to
5 distribute a certain amount of each license fee to the Comptroller and to distribute a
6 certain amount of each license fee to be used for a certain purpose; prohibiting the
7 use of certain funds to supplant certain existing funding for a certain purpose; and
8 generally relating to cigarette retailer licenses in Charles County.

9 BY repealing and reenacting, without amendments,
10 Article – Business Regulation
11 Section 16–101
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Regulation
16 Section 16–302
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2017 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Business Regulation**

22 16–101.

23 (a) In this title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Cigarette" means any size or shaped roll for smoking that is made of tobacco
2 or tobacco mixed with another ingredient and wrapped in paper or in any other material
3 except tobacco.

4 (c) "County license" means a license issued by the clerk to sell cigarettes at retail
5 in a county.

6 (d) "Sell" means to exchange or transfer, or to agree to exchange or transfer, title
7 or possession of property, in any manner or by any means, for consideration.

8 (e) (1) "Sell cigarettes at retail" means to sell cigarettes to a consumer.

9 (2) "Sell cigarettes at retail" includes selling cigarettes through a vending
10 machine.

11 16-302.

12 (a) For each county license, an applicant shall:

13 (1) submit an application to the clerk; and

14 (2) pay to the clerk a license fee of:

15 (i) \$25 in a county other than Cecil County [or], Montgomery
16 County, **OR CHARLES COUNTY**;

17 (ii) \$50 in Cecil County; or

18 (iii) \$125 in **CHARLES COUNTY AND** Montgomery County.

19 (b) (1) From each license fee collected under subsection (a) of this section, the
20 Clerk of the Circuit Court for Montgomery County shall distribute:

21 (i) \$25 to the Comptroller; and

22 (ii) \$100 to Montgomery County to be used to enforce existing laws
23 banning the sale or distribution of tobacco or tobacco products to minors.

24 (2) Funds distributed under paragraph (1)(ii) of this subsection may not be
25 used to supplant existing funding for the enforcement of laws banning the sale or
26 distribution of tobacco or tobacco products to minors.

27 **(C) (1) FROM EACH LICENSE FEE COLLECTED UNDER SUBSECTION (A) OF**
28 **THIS SECTION, THE CLERK OF THE CIRCUIT COURT FOR CHARLES COUNTY SHALL**
29 **DISTRIBUTE:**

1 **(I) \$25 TO THE COMPTROLLER; AND**

2 **(II) \$100 TO CHARLES COUNTY TO BE USED TO ENFORCE**
3 **EXISTING LAWS BANNING THE SALE OR DISTRIBUTION OF TOBACCO OR TOBACCO**
4 **PRODUCTS TO MINORS.**

5 **(2) FUNDS DISTRIBUTED UNDER PARAGRAPH (1)(II) OF THIS**
6 **SUBSECTION MAY NOT BE USED TO SUPPLANT EXISTING FUNDING FOR THE**
7 **ENFORCEMENT OF LAWS BANNING THE SALE OR DISTRIBUTION OF TOBACCO OR**
8 **TOBACCO PRODUCTS TO MINORS.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2018.